IN RE: PETITION FOR ZONING VARIANCE * S/S Ethel Ave., 720 ft. E ZONING COMMISSIONER of c/1 Rolling Road 6207 Ethel Avenue * OF BALTIMORE COUNTY 1st Election District 1st Councilmanic District Case No. 92-388-A Charles G. Scherr Petitioner ***** IN RE: PETITION FOR ZONING VARIANCE *

N/S Ethel Ave., 720 ft. E ZONING COMMISSIONER of c/l Rolling Road 6210 Ethel Avenue * OF BALTIMORE COUNTY 1st Election District 1st Councilmanic District * Case No. 92-389-A Charles G. Scherr Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

* * * * * * * * * *

The above cases come before the Zoning Commissioner on a consolidated hearing. The subject properties (6207 Ethel Avenue, case No. 92-388-A and 6210 Ethel Avenue, case No. 92-389-A) are both owned by Charles G. Scherr. The properties are part of a new subdivision currently being built and known as Ivy Spring Terrace. The properties are located immediately across from one another adjacent to a cul-de-sac which represents the end of Ethel Avenue.

The Petitioner/property owner requests a variance from Sections V.B.6.a. and V.B.9., Comprehensive Manual of Development Process (CMDP). This policy manual requires a 25 ft. window and building to street right of way setback and the Petitioner proposes a 15 ft. setback for 6207 Ethel Avenue and a 13 ft. setback for 6210 Ethel Avenue. Further, the Petitioner seeks amendment of the last approved Final Development Plan of Ivy

Spring Terrace. The Comprehensive Manual of Development Policy is adopted, pursuant to Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The Petitioner/developer appeared at the hearing and was represented by Benjamin Bronstein, Esquire. Also appearing in support of the Petition was David S. Thaler, the engineer for the project. There were no Protestants present.

Mr. Thaler represented that the Petitions are before me to correct a drafting error which was made when the original subdivision was laid out. At the time of the preparation of that plan, the drafter mistakenly measured the street right of way setback from the corner of the subject lots. not recognizing the curvature of the street created by the cul-de-sac. After preparing the building envelopes on the plans, it was recognized that the setback intruded further into the subject lots then originally realized in view of the curvature of the cul-de-sac. Thus, the need for the variances.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

-2-

Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 6207 Ethel Avenue

Spring Terrace

DRUNSTER N

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variance will be in strict harmony with the spirit and intent of the

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of May. 1992 that a variance from Sections V.B.6.a. and V.B.9., Comprehensive Manual of Development Process (CMDP), and pursuant to Section 504 of the B.C.Z.R., to permit a 15 ft. window and building to street right of way setback, in lieu of the required 25 ft., for 6207 Ethel Avenue, and to approve the last Final Development Plan of Ivy Spring Terrace, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections V.B.6.a and V.B.9. of the CMDP, and pursuant to Section 504 of the B.C.Z.R., to permit a 13 ft. setback, in lieu of the required 25 ft., for 6210 Ethel Avenue, and to approve the last Final Development Plan of Ivy Spring Terrace, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

> 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > - 4 -

Zoning Commissioner for Baltimore County

LES/mmn

(RIW varies) at the distance of 720 feet east of the conterline of Rolling Road. Known as Lot 6 of the subdivision of Duy Spring Terrace, Plat Book 59 Folio 101. Also Known as 6207 Ethel Avenue containing. 171 acres in the 1st Election District.

IS DEPARTMENT OF BALTIMORE COUNTY

District	garance.	Date of Posting Systel 29, 19
	Gurles & Schen	
Location of pro	operty 5'3 Thel Grence, 720	'E of of a Rolling Road
6207	Ettud arenice	·
Location of Si	less In front of 6267 G	that screme

Case Number: 92-388-A S'S Ethel Avenue, 720' E of c/I Rolling Road 6207 Ethel Avenue 1st Election District 1st Councilmanic Petitioner(s): Charles G. Scherr Hearing Date: Mitor Variance: to permit a 15 foot window and building to street right-of-way setback in lieu of the 25 feet; and to amend the last approved Final Development Plan of Ivy Spring Terrace. AWRENCE E. SCHMID

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of

weeks, the first publication appearing on 4/23.1992

THE JEFFERSONIAN.

D 4225

Compared Committee Control Office of Physician and reason

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

May 21, 1992

Benjamin Bronstein, Esquire 29 W. Susquehanna Avenue Towson, Maryland 21204

> RE: Case Nos. 92-388-A and 92-389-A Petitions for Zoning Variances Charles G. Scherr, Petitioner

Dear Mr. Bronstein:

Enclosed please find the decision rendered in the above captioned cases. The Petitions for Zoning Variances have been granted, in accordance with the attached Order.

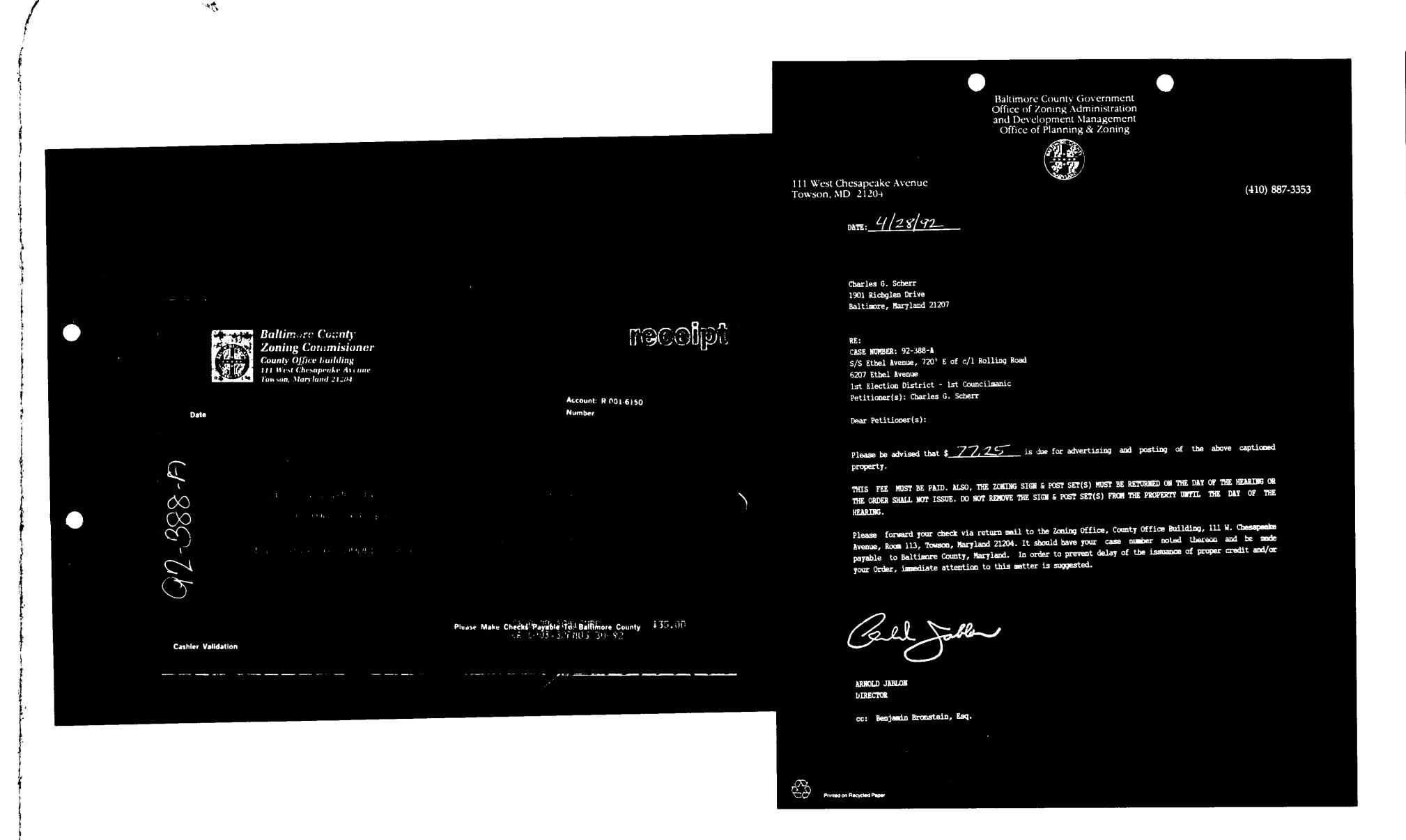
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

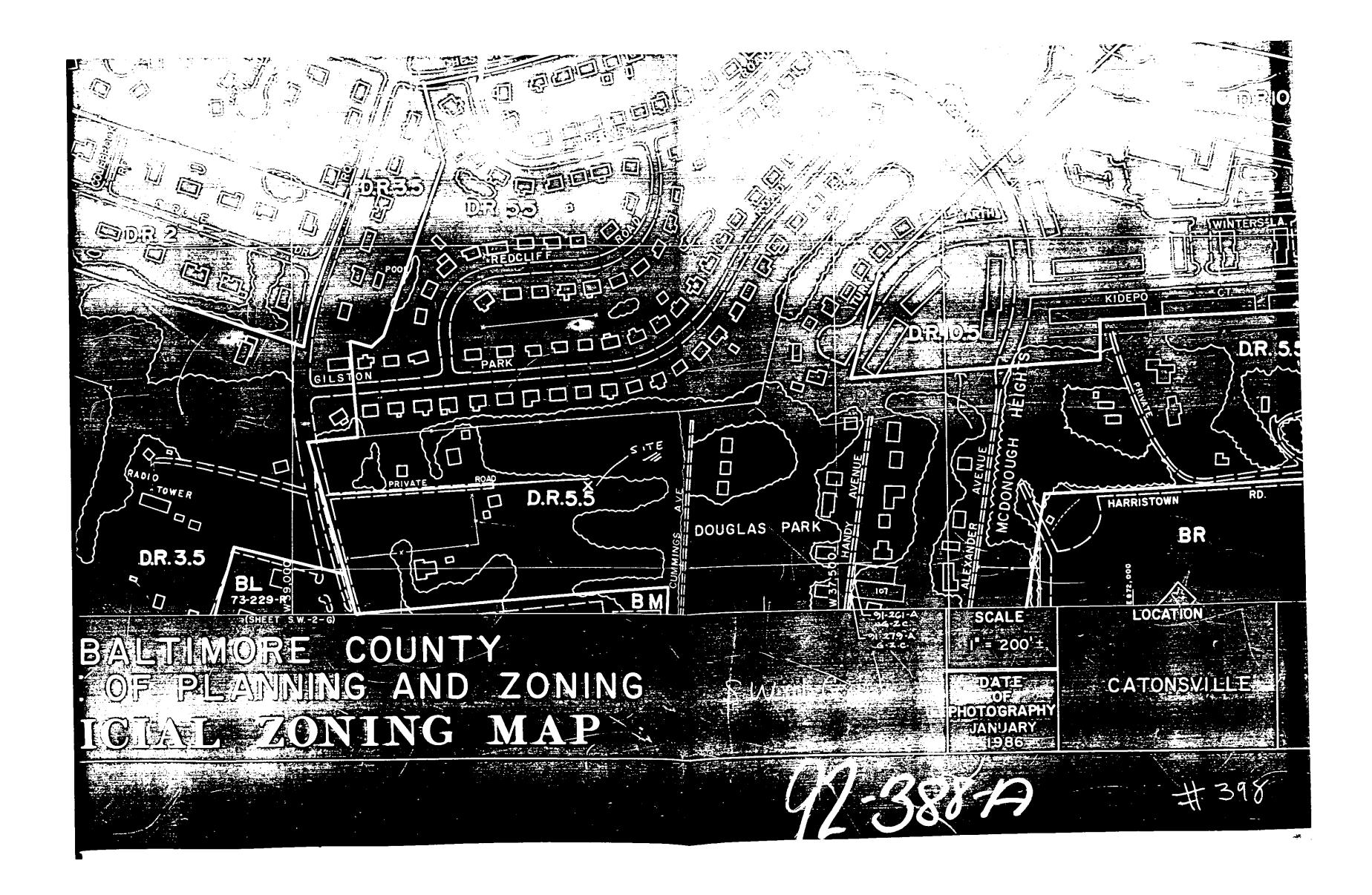
> Lawrence E. Schmidt Zoning Commissioner

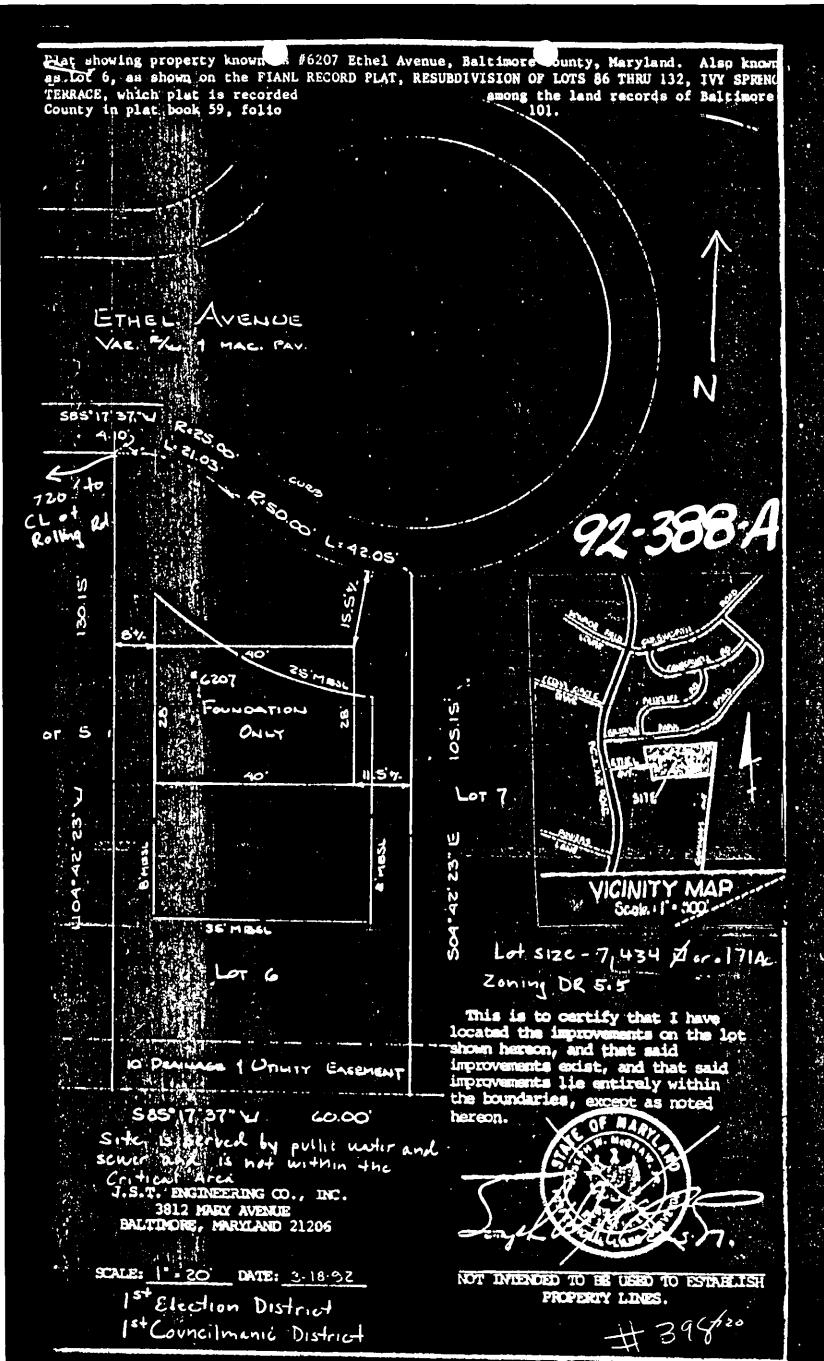
cc: Mr. Charles G. Scherr

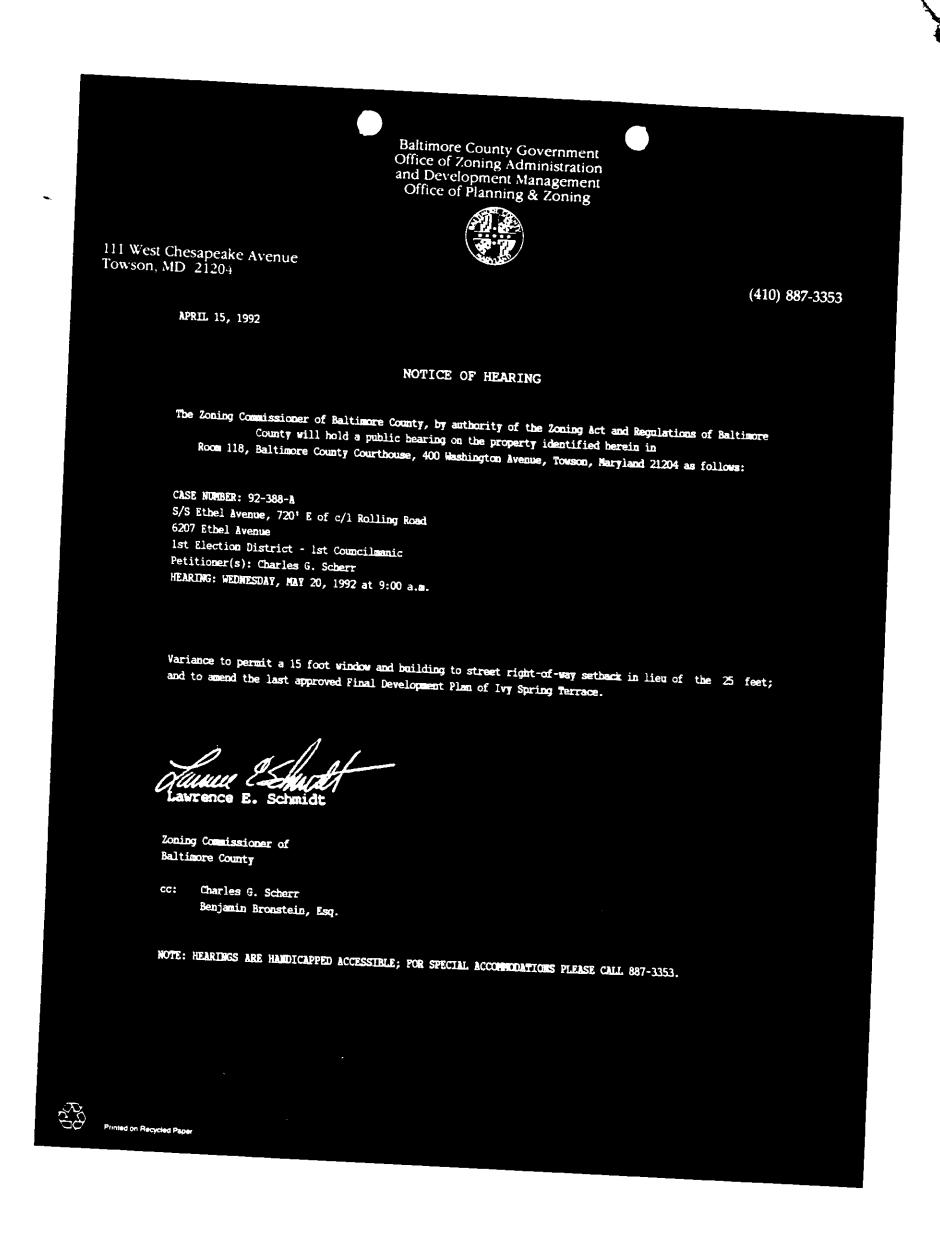
which is presently zoned DR 55 This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 504(v. B & u. xn.(v. B 11, C. m 2 F) to permit a 15 window and building to street right -of-way subjeck in lieu of 25' and to amend the lust approved Final Development Plan of Ivy of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or Error in Stakeout of proposed configuration Such other reasons may be demonstrated at time of Hearing Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filling of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County. We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition. Charles G. Scherr 1901 Richglen Drive 944-5914 Baltimore, Maryland 21207 City State Zipcode
Name, Address and phone number of legal owner, contract purchaser or representative REVIEWED BY: TMTK DATE 3/3/12 Note: To be beach w/ # 399









IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE S/S Ethel Ave., 720 ft. E * ZONING COMMISSIONER of c/l Rolling Road 6207 Ethel Avenue * OF BALTIMORE COUNTY 1st Election District 1st Councilmanic District * Case No. 92-388-A Charles G. Scherr Petitioner

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE N/S Ethel Ave., 720 ft. E ZONING COMMISSIONER of c/l Rolling Road 6210 Ethel Avenue 1st Election District * OF BALTIMORE COUNTY 1st Councilmanic District * Case No. 92-389-A Charles G. Scherr Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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The above cases come before the Zoning Commissioner on a consolidated The subject properties (6207 Ethel Avenue, case No. 92-388-A and 6210 Ethel Avenue, case No. 92-389-A) are both owned by Charles G. Scherr. The properties are part of a new subdivision currently being built and known as Ivy Spring Terrace. The properties are located immediately across from one another adjacent to a cul-de-sac which represents the end of Ethel Avenue.

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May 21, 1992

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additional information concerning filing an appeal, please feel free to

date of the Order to the County Board of Appeals. If you require

In the event the decision rendered is unfavorable to any party, please

Lawrence E. Schmidt

Zoning Commissioner

(410) 887 4386

Office of Planeiro and Francis

11 17

Suite 113 Courthouse

Towson, MD 21204

400 Washington Avenue

Benjamin Bronstein, Esquire 29 W. Susquehanna Avenue Towson, Maryland 21204

Dear Mr. Bronstein:

with the attached Order.

cc: Mr. Charles G. Scherr

RE: Case Nos. 92-388-A and 92-389-A

contact our Appeals Clerk at 887-3391.

Petitions for Zoning Variances Charles G. Scherr, Petitioner

Spring Terrace. The Comprehensive Manual of Development Policy is adopted, pursuant to Section 504 of the Baltimore County Zoning Regulations (B.C.Z.R.).

The Petitioner/developer appeared at the hearing and was represented by Benjamin Bronstein, Esquire. Also appearing in support of the Petition was David S. Thaler, the engineer for the project. There were no Protestants present.

Mr. Thaler represented that the Petitions are before me to correct a drafting error which was made when the original subdivision was laid out. At the time of the preparation of that plan, the drafter mistakenly measured the street right of way setback from the corner of the subject lots, not recognizing the curvature of the street created by the cul-de-sac. After preparing the building envelopes on the plans, it was recognized that the setback intruded further into the subject lots then originally realized in view of the curvature of the cul-de-sac. Thus, the need for the variances.

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> 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at 6210 Ethel Avenue which is presently zoned DR 55

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 504 (V.B. 6. a. and V.B. 1.) C. m. D. f. to permit is 13 window and building to street right - of -way setback in lieu 64 25 and to amend the last approved Final Development Finn of Ivy Spring Terrace.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or Error in Stakeout of proposed configuration

Such other reasons may be demonstrated at time of Hearing Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petrition.
t Contract Purchaser/Lessee:	Legal Owner(s):
Contracts and manufactures.	Charles G. Scherr
(Type or Print Name)	(Type or Pring Marine)
Signature	Signature
Address	(Type or Print Name)
City State Zipcode	Signature
Attorney for Mentioner: BRUNSTEIN	1901 Richglen Drive 944-5914
(Type or Print Name);	Address Phone No.
	Baltimore, Maryland 21207
Signature	City State Zipcode Name, Address and phone number of legal owner, contract purchaser or representate to be contacted.
Address Phone No.	* Name
Touson Md 21204	1901 Richglen Drive 944-5914
City State Zipcode	Address Phone No.
	ESTIMATED LENGTH OF HEARING
	uneveilable for Hearing
·	the following detec Hext Two Months
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REVIEWED BY: mile

Note to be board w/ # 318

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of the variances requested, and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not cause any injury to the public health, safety and general welfare. Further, granting of the variance will be in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24 day of May, 1992 that a variance from Sections V.B.6.a. and V.B.9., Comprehensive Manual of Development Process (CMDP), and pursuant to Section 504 of the B.C.Z.R., to permit a 15 ft. window and building to street right of way setback, in lieu of the required 25 ft., for 6207 Ethel Avenue, and to approve the last Final Development Plan of Ivy Spring Terrace, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED: and.

IT IS FURTHER ORDERED that a variance from Sections V.B.6.a and V.B.9. of the CMDP, and pursuant to Section 504 of the B.C.Z.R., to permit a 13 ft. setback, in lieu of the required 25 ft., for 6210 Ethel Avenue, and to approve the last Final Development Plan of Ivy Spring Terrace, in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions prece-

> 1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > Zoning Commissioner

for Baltimore County

LES/mmn

dent to the relief granted herein:

10

Beginning on the north side of Ethel Avenue (R/w varies) at the distance of 720 feet east of the renterline of Bullium Road Known as Lot 14 of the subdivision of Ivy Spring Terrace, Plat Book 54, Felic 101, Also Known as 6210 Ethel Avenue containing. 185 acres in the 1st Electron District

Location of property: 5/5 Ethel wrener 720 E of C/4 Rolling Road

6210 Ethel Cirenus

Location of Signer The front of 6210 9 the wenue

Date of return: May 1, 1942

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 118, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as fol-Petitioner(s): Charles G. Scherr Hearing Date: Wednesday May 20, 1992 at 9:00 a.m Variance: to permit a 13 foot window and building to street right-of-way setback in lieu of 25 LAWRENCE E. SCHMIDT

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive

weeks, the first publication appearing on _

\$ 42.25

	Baltimore County Zoning Commissioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204
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TUBERO BUSERNO FOR 9010 CONTRACTOR CARACTER CONTRACTOR

LAST HAME OF TURKER STREET

EA COB3: 32FM03-30-92
Please Make Checks Payable To: Baltimore County

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A Section

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